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GAMBLING COMMISSION
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GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Revocation of the License and)
Certification to Conduct Gambling Activities of:)
)
Valy Vongkoth,)
Auburn, Washington,)
)
Class III Employee & Licensee.)
_____)

NO. CR 2008-01205

SETTLEMENT ORDER

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HEADQUARTERS OFFICE OF
ADMINISTRATIVE HEARINGS

This Settlement Order is entered into between the Washington State Gambling Commission and Valy Vongkoth. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Staff Attorney. Andrew Nguyen, Attorney at Law, represents Valy Vongkoth.

I.

The Washington State Gambling Commission issued Valy Vongkoth the following Class III Certification and Card Room Employee license:

Number 69-20301, Authorizing Class III Employee Activity formerly for the Muckleshoot Tribe and for the Snoqualmie Tribe.

Number 68-26633, Authorizing Card Room Employee Activity formerly for the Roman Casino in Seattle.

This certification¹ and license expired on December 14, 2009, and were issued subject to the certified employee/licensee's compliance with state gambling laws and regulations.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, WAC Title 230, and the Snoqualmie Tribal-State Compact.

II.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to Valy Vongkoth on November 12, 2008, and amended charges on December 9, 2008. Ms. Vongkoth received the Notice, and on November 21, 2008, Commission staff received her request for a hearing.

¹ Class III Certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

III.

The following summary of facts and violations were alleged in the Notice of Administrative Charges:

- 1) Valy Vongkoth, along with other certified employees, conspired and then claimed \$200 that did not belong to them from the lost and found at Muckleshoot Casino.
- 2) Valy Vongkoth admitted to a Muckleshoot Tribal Gaming Agency Agent that the \$200 did not belong to her.
- 3) The Muckleshoot Gaming Commission revoked Valy Vongkoth's Tribal Gaming license.
- 4) The agent forwarded a case report to the King County Prosecutor for possible criminal charges.
- 5) Ms. Vongkoth violated RCW 9.46.185 and RCW 9.46.190 and is not qualified for certification or licensure under RCW 9.46.153(1).
- 6) Grounds exist to revoke Valy Vongkoth's Class III certification and Card Room Employee license under RCW 9.46.075(1), (2), (8), and (10), and WAC 230-03-085(1) and (8), and Section V(C) of the Snoqualmie Tribal-State Compact.

Snoqualmie Tribal-State Compact

Section V(C) provides that the State Gaming Agency² may revoke a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, or for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when a holder of certification:

(The following subsections apply.)

- (1) Is determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming activities.
- (2) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal/State Compact.
- (4) Has had a Tribal or State gaming license revoked during the twelve months prior to the date of receipt of the application.

RCW 9.46.075 Denial, suspension, or revocation of license, permit.

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(The following subsections apply.)

² Washington State Gambling Commission, as referred to in the Snoqualmie Tribal/State Compact, Section II(Z).

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the Commission.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

RCW 9.46.185 Causing person to violate rule or regulation.

Any person who knowingly causes, aids, abets, or conspires with another to cause any person to violate any rule or regulation adopted pursuant to this chapter shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

RCW 9.46.190 Violations relating to fraud or deceit.

Any person, association, or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(The following subsections apply.)

(1) Employ any device, scheme, or artifice to defraud; or

(2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or

(3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

RCW 9.46.153 Applicants and licensees- Responsibilities and duties-Waiver of liability - Investigation statement as privileged.

(1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit.

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

IV.

The charges specified above constitute grounds for revocation of the Class III certification and the card room employee license issued to Valy Vongkoth to conduct authorized gambling activities under the authority of the Snoqualmie Tribal-State Compact, RCW 9.46.075 and WAC 230-03-085.

V.

In June 2009, Ms Vongkoth was charged with Theft 3rd Degree. On December 9, 2009, the licensee entered into an agreed Stipulated Order of Continuance in King County District Court. Ms. Vongkoth will serve one year of unsupervised probation, ten hours of community service, and if no criminal violations are committed in the one year, the charges will be dismissed.

Ms Vongkoth's certification and license expired on December 14, 2009. She has not worked as a Class III Employee or as a Card Room Employee since July 2009.

Valy Vongkoth waives her right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

1) Valy Vongkoth shall not hold or re-apply for a certification or gambling license until December 10, 2010, or until she completes the terms of the Stipulated Order of Continuance she entered into with King County District Court, whichever is later.

2) In the event that Mr. Vongkoth does reapply after she completes the terms of the Stipulated Order of Continuance, she will be required to establish, by clear and convincing evidence, that she is qualified to hold a certification or gambling license.

3) Ms. Vongkoth will be subject to all the Commission's investigative procedures for processing an application for a certification or gambling license. Nothing herein shall prevent the Commission from denying Ms. Vongkoth's application for a certification or license at that time based on facts that may not be currently known by Commission legal staff. Furthermore, no promises or assurances have been made to Ms. Vongkoth that she will receive a certification or license from the Commission should she apply.

4) Ms. Vongkoth shall have no involvement directly or indirectly whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or permit or is involved with any gambling activity, including punchboard/pull-tab activity.

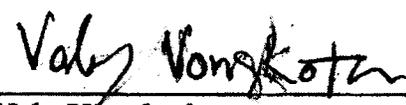
5) However, this does not prevent Ms. Vongkoth from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

DATED this 25th day of February, 2010.


Administrative Law Judge
Steven C. Smith

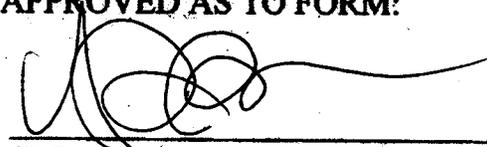
By her signature, the licensee/Class III Employee understands and accepts the terms and conditions of this Order

APPROVED FOR ENTRY:

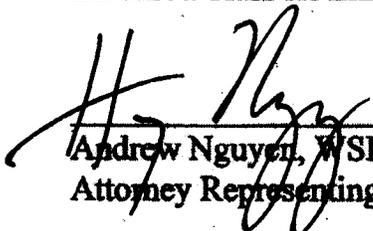
 02-08-10

Valy Vongkoth Date
Licensee/Class III Employee

APPROVED AS TO FORM:



H. Bruce Marvin, WSBA# 25152
Assistant Attorney General,
Representing the Washington State
Gambling Commission

 2/8/10

Andrew Nguyen, WSBA# 29687 Date
Attorney Representing Valy Vongkoth



Melinda Froud, WSBA# 26792
Lead Staff Attorney,
Washington State Gambling Commission